

IC 11-13-6

Chapter 6. Parole and Discharge of Delinquent Offenders

IC 11-13-6-1

Application of chapter

Sec. 1. This chapter applies only to delinquent offenders.

As added by Acts 1979, P.L.120, SEC.6.

IC 11-13-6-2

Procedure for release on parole

Sec. 2. The department shall adopt, under IC 4-22-2, a procedure whereby a committed delinquent offender may be released on parole before the time when he must be unconditionally discharged from his commitment. The procedure must be consistent with this chapter and include:

- (1) the time when an offender is eligible for consideration for initial release or reinstatement on parole;
- (2) a method for determining an offender's suitability for release on parole, including information or criteria considered relevant to that determination;
- (3) parole conditions that may be imposed by the department to assist the offender in his reintegration into the community; and
- (4) a method for determining whether an offender has violated a condition of his parole, and the sanctions that may be imposed if a violation is found.

As added by Acts 1979, P.L.120, SEC.6.

IC 11-13-6-3

Offender's rights; denial of parole; parole outside Indiana; statement of conditions on release

Sec. 3. (a) In determining whether parole will be granted or denied to an offender who is eligible for release on parole, the department shall afford the offender before that determination:

- (1) reasonable, advance written notice of the fact that he is being considered for release on parole;
- (2) access, in accord with IC 11-8-5, to records and reports to be considered by the department in making the parole release decision; and
- (3) an opportunity to appear before the person or persons making the determination, speak in his own behalf, and present documentary evidence.

(b) If parole is denied, the department shall give the offender written notice of the denial and the reasons for the denial. No offender may be denied parole solely on the basis that appropriate living quarters are unavailable in the community to which he will return.

(c) The department may parole an offender who is outside Indiana on a record made by the appropriate authorities of the jurisdiction in which he is confined.

(d) When an offender is released on parole he shall be given a

written statement of any conditions imposed by the department. Signed copies of this statement shall be forwarded to any person charged with his supervision and retained by the department.

As added by Acts 1979, P.L.120, SEC.6.

IC 11-13-6-4

Discharge; term of parole; offenders not on parole; certification of discharge

Sec. 4. (a) An offender released on parole remains on parole until he reaches twenty-one (21) years of age, unless his parole is revoked or he is discharged before that time by the department. The department may discharge him from his commitment any time after his release on parole and shall discharge him when he reaches twenty-one (21) years of age.

(b) An offender who is not on parole may be unconditionally discharged by the department from his commitment at any time and shall be unconditionally discharged from his commitment upon reaching twenty-one (21) years of age.

(c) Upon discharge of an offender from his commitment under this section, the department shall certify the discharge to the clerk of the committing court. Upon receipt of the certification, the clerk shall make an entry on the record of judgment that the commitment has been satisfied.

As added by Acts 1979, P.L.120, SEC.6.

IC 11-13-6-5

Supervision and assistance to offenders on parole

Sec. 5. The department shall supervise and assist offenders on parole. Its duties in this regard include:

- (1) establishing methods and procedures in the administration of parole, including investigation, supervision, workloads, recordkeeping, and reporting;
- (2) assisting offenders in making parole release plans;
- (3) providing employment counseling and assistance in job and residential placement;
- (4) providing family and individual counseling and treatment placement;
- (5) providing financial counseling;
- (6) providing vocational and educational counseling and placement;
- (7) supervising and assisting out of state parolees accepted under an interstate compact; and
- (8) cooperating with public and private agencies and with individual citizens concerned with the treatment or welfare of offenders and assisting the offender in obtaining services from these agencies and citizens.

As added by Acts 1979, P.L.120, SEC.6.

IC 11-13-6-5.5

Victim notification upon release of sex offender

Sec. 5.5. (a) This section shall not be construed to limit victim's rights granted by IC 35-40 or any other law.

(b) As used in this section, "sex offense" refers to a sex offense described in IC 5-2-12-4(1).

(c) As used in this section, "victim" means a person who has suffered direct harm as a result of a delinquent act that would be a sex offense if the delinquent offender were an adult. The term includes a victim's representative appointed under IC 35-40-13.

(d) Unless a victim has requested in writing not to be notified, the department shall notify the victim involved in the adjudication of a delinquent offender committed to the department for a sex offense of the delinquent offender's:

- (1) discharge from the department of correction;
- (2) release from the department of correction under any temporary release program administered by the department;
- (3) release on parole;
- (4) parole release hearing under this chapter;
- (5) parole violation hearing under this chapter; or
- (6) escape from commitment to the department of correction.

(e) The department shall make the notification required under subsection (d):

- (1) at least forty (40) days before a discharge, release, or hearing occurs; and
- (2) not later than twenty-four (24) hours after the escape of a delinquent offender from commitment to the department of correction.

The department shall supply the information to a victim at the address supplied to the department by the victim. A victim is responsible for supplying the department with any change of address or telephone number of the victim.

(f) The probation officer or caseworker preparing the predispositional report under IC 31-37-17 shall inform the victim before the predispositional report is prepared of the right of the victim to receive notification from the department under subsection (d). The probation department or county office of family and children shall forward the most recent list of the addresses or telephone numbers, or both, of victims to the department. The probation department or county office of family and children shall supply the department with the information required by this section as soon as possible but not later than five (5) days after the receipt of the information. A victim is responsible for supplying the department with the correct address and telephone number of the victim.

(g) Notwithstanding IC 11-8-5-2 and IC 4-1-6, a delinquent offender may not have access to the name and address of a victim. Upon the filing of a motion by a person requesting or objecting to the release of victim information or representative information, or both, that is retained by the department, the court shall review in camera the information that is the subject of the motion before ruling on the motion.

(h) The notice required under subsection (d) must specify whether

the delinquent offender is being discharged, is being released under a temporary release program administered by the department, is being released on parole, is having a parole release hearing, is having a parole violation hearing, or has escaped. The notice must contain the following information:

- (1) The name of the delinquent offender.
- (2) The date of the delinquent act.
- (3) The date of the adjudication as a delinquent offender.
- (4) The delinquent act of which the delinquent offender was adjudicated.
- (5) The disposition imposed.
- (6) The amount of time for which the delinquent offender was committed to the department.
- (7) The date and location of the interview (if applicable).

As added by P.L.77-2001, SEC.1.

IC 11-13-6-6

Duties of employees assigned to supervise and assist parolees; employee not considered law enforcement officer

Sec. 6. (a) An employee of the department assigned to supervise and assist parolees may:

- (1) execute warrants issued by the department;
- (2) serve orders, subpoenas, and notices issued by the department;
- (3) conduct investigations necessary to the performance of his duties;
- (4) visit and confer with any person under his supervision, even when that person is in custody;
- (5) act as a probation officer if requested by the appropriate court and if that request is approved by the department;
- (6) search a parolee's person or property if he has reasonable cause to believe that the parolee is violating or is in imminent danger of violating a condition of parole;
- (7) arrest a parolee without a warrant if he has reasonable cause to believe that the parolee has violated or is about to violate a condition of his parole and that an emergency situation exists, so that awaiting action under section 7 of this chapter would create an undue risk to the public or to the parolee; and
- (8) exercise any other power reasonably necessary in discharging his duties and powers.

(b) An employee of the department assigned to supervise and assist parolees is not considered a law enforcement officer under IC 5-2-1 or IC 35-41-1.

As added by Acts 1979, P.L.120, SEC.6. Amended by P.L.311-1983, SEC.36.

IC 11-13-6-7

Parole revocation proceedings; initiating actions; order to appear; warrant for arrest and confinement

Sec. 7. (a) If the department believes that a parolee has violated

a condition of his parole, it may initiate parole revocation proceedings by:

- (1) issuing an order for the parolee to appear for a revocation hearing on the alleged violation; or
- (2) issuing a warrant for the arrest and confinement of the parolee pending a preliminary hearing if there is a risk of his fleeing or being removed from the jurisdiction.

(b) When the department issues an order under subsection (a)(1) for the parolee to appear for a revocation hearing, the parolee and his parent, guardian, or custodian shall be given written notice of:

- (1) the date, time, and place of the hearing;
- (2) the parole condition alleged to have been violated;
- (3) the procedures and rights applicable to such hearing; and
- (4) the possible sanctions if a violation is found.

(c) When the department issues a warrant under subsection (a)(2) of this section for the arrest and confinement of the parolee pending a preliminary hearing, the parolee and his parent, guardian, or custodian shall be given written notice of:

- (1) the date, time, and place of the hearing;
- (2) the parole condition alleged to have been violated;
- (3) the procedures and rights applicable to that hearing;
- (4) if probable cause is found to exist, his right to a revocation hearing and the procedures and rights applicable to that hearing; and
- (5) the possible sanctions if a violation is found.

As added by Acts 1979, P.L.120, SEC.6.

IC 11-13-6-8

Probable cause hearing

Sec. 8. (a) Upon the arrest and confinement of a parolee for an alleged violation of a condition of parole, a person other than the one who reported or investigated the alleged violation or who recommended revocation shall hold a preliminary hearing to determine whether there is probable cause to believe a violation of a condition has occurred. In connection with the hearing the parolee is entitled to:

- (1) appear and speak in his own behalf;
- (2) call witnesses and present documentary evidence;
- (3) confront and cross-examine witnesses, unless the person conducting the hearing finds that to do so would subject the witness to a substantial risk of harm; and
- (4) have a written statement of the findings of fact and the evidence relied upon.

(b) The parolee's parent, guardian, or custodian is entitled to be present at the hearing.

(c) If it is determined there is not probable cause to believe the parolee violated a condition of his parole, the charge shall be dismissed.

(d) If it is determined from the evidence presented that there is probable cause to believe the parolee violated a condition of his

parole, confinement of the parolee may be continued pending a parole revocation hearing.

(e) In a case where the alleged violation of parole is based on a criminal conviction or a delinquency adjudication, the preliminary hearing required by this section need not be held.

(f) Unless good cause for the delay is established in the record of the proceeding, the parole revocation charge shall be dismissed if the preliminary hearing is not held within ten (10) days after the date of the arrest.

As added by Acts 1979, P.L.120, SEC.6.

IC 11-13-6-9

Parole revocation hearing; time; presence of parent, guardian, or custodian; dismissal; violation of condition; statement of reasons for action taken; dismissal for delay

Sec. 9. (a) A parolee confined due to an alleged violation of his parole shall be afforded a parole revocation hearing by the department within sixty (60) days after his arrest. A parolee who is not confined and against whom is pending a charge of parole violation shall be afforded a parole revocation hearing within one hundred eighty (180) days after the date an order was issued for his appearance at a parole revocation hearing or the date of his arrest on the parole violation warrant, whichever is earlier. The purpose of the hearing is to determine whether a violation of a condition of parole has occurred and, if so, the appropriate action. In connection with the hearing the parolee is entitled to those procedural safeguards enumerated in section 8(a) of this chapter, plus representation by counsel and, if indigent, to have counsel appointed for him. The parolee may offer evidence in mitigation of the alleged violation.

(b) The parolee's parent, guardian, or custodian is entitled to be present at the hearing. The department shall give the parent, guardian, or custodian notice of the hearing.

(c) if it is determined from the evidence presented that the parolee did not commit a violation of a condition of parole, the charge shall be dismissed.

(d) If the department finds that the parolee did violate a condition of his parole, it may continue him on parole, with or without modifying the conditions, or revoke the parole and order him confined on either a continuous or intermittent basis.

(e) The department shall provide the parolee with a written statement of the reasons for the action taken under subsection (d), if parole is revoked.

(f) Unless good cause for the delay is established in the record of the proceeding, the parole revocation charge shall be dismissed if the revocation hearing is not held within the time established by subsection (a).

As added by Acts 1979, P.L.120, SEC.6. Amended by Acts 1980, P.L.87, SEC.8.